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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

RUSSELL PITKIN and **MARY PITKIN**, Co-Personal Representatives of the Estate of **MADALINE PITKIN**, Deceased,	Case No. 3:16-cv-02235-AA
Plaintiffs,	**ANSWER**
vs.	
CORIZON HEALTH, INC., a Delaware Corporation; **CORIZON HEALTH, INC.**, a Tennessee Corporation; **WASHINGTON COUNTY**, a government body in the State of Oregon; **JOSEPH MCCARTHY, MD**, an individual; **COLIN STORZ**, an individual; **LESLIE ONEIL**, an individual; **CJ BUCHANAN**, an individual; **LOUISA DURU**, an individual; **MOLLY JOHNSON**, an individual; **COURTNEY NYMAN**, an individual; **PAT GARRETT**, in his capacity as Sheriff for Washington County; **JOHN DOES 1-10**; and, **JANE DOES 1-10**,	DEMAND FOR JURY TRIAL
Defendants.	

For ANSWER to allegations set forth in Plaintiffs' Complaint, Defendants Corizon Health, Inc., Washington County, Joseph McCarthy, M.D., Colin Storz, Leslie O'Neil, CJ Buchanan, Louisa Duru, Molly Johnson, Courtney Nyman and Pat Garrett (collectively "Defendants") ADMIT, DENY and ALLEGE as follows:

1.

The "Introduction" at paragraph 1 of Plaintiffs' Complaint appears to be an overview of allegations set forth with greater specificity in the body of the Complaint. As such, Defendants neither admit nor deny the allegations contained in paragraph 1, but instead defer to the admissions and denials contained with greater specificity in the body of their Answer.

2.

Defendants admit the jurisdiction and venue allegations contained at paragraph 2.

3.

Defendants admit that at the time of her death, Madaline Pitkin was a detainee in the Washington County jail. Defendants are without knowledge of the remaining allegations contained at paragraph 3, and therefore, deny the same.

4.

Defendants admit that Corizon Health, Inc. is a Delaware corporation in the business of providing medical services in jails and prisons, and, at all time relevant herein, in the Washington County jail. These services were pursuant to a contract with Washington County. Except as expressly admitted herein, Defendants deny each and every allegation in paragraph 4 in Plaintiffs' Complaint.

5.

Defendants admit allegations contained at paragraph 5 in Plaintiffs' Complaint.

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6.

Defendants admit that Defendant McCarthy was a licensed physician and the site medical director for Corizon at the Washington County jail in April 2014. Defendants further admit that McCarthy's last day as an employee of Corizon was April 23, 2014. Defendants further admit McCarthy is a citizen and resident of the State of Oregon and was, at the time of his employment with Corizon, at the Washington County jail pursuant to the contract between Corizon and Washington County. Except as expressly admitted therein Defendants deny those allegations contained in paragraph 6 of Plaintiffs' Complaint.

7.

Defendants admit that O'Neil is a registered nurse and in April 2014 was the Director of Nursing for Corizon at the Washington County jail, responsible for Corizon mandated procedures per the contract between Corizon and Washington County. She is a resident of the State of Oregon. Except as expressly admitted therein Defendants deny those allegations contained in paragraph 7 of Plaintiffs' Complaint.

8.

Defendants admit that Storz was a physician assistant employed by Corizon at the Washington County jail in April 2014 and worked under the supervision of McCarthy. While employed by Corizon at the Washington County jail, Storz was a citizen in the State of Oregon. Except as expressly admitted therein Defendants deny those allegations contained in paragraph 8 of Plaintiffs' Complaint.

9.

With respect to those allegation contained at paragraphs 9, 10, 11 and 12 of Plaintiffs' Complaint, Defendants admit that each individual was a health care professional employed by

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Corizon, was a resident of the State of Oregon, and was working at the Washington County Jail pursuant to Corizon's contract with the County. Except as expressly admitted therein Defendants deny those allegations contained in paragraphs 9, 10, 11 and 12 of Plaintiffs' Complaint.

10.

Defendants admit Garrett was acting as Sheriff of Washington County at all times relevant herein and was a resident of the State of Oregon.

11.

Defendants have no information concerning any allegations contained at paragraph 14 of Plaintiffs' Complaint, and therefore, deny the same.

12.

Defendants admit those allegations contained at paragraph 15 and 17 of Plaintiffs' Complaint.

13.

Defendants admit that Corizon, and its predecessor corporation provided healthcare services to the inmates at Washington County Jail pursuant to contractual provisions that were entered into with Washington County, which contracts were very specific as to what was expected of both parties, and provided a full range of services to inmates, including detoxification for drug addicts and certain off-site medical services. Except as expressly admitted therein Defendants deny those allegations contained in paragraph 16 of Plaintiffs' Complaint.

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14.

Defendants admit that on April 17, 2014, Madaline Pitkin was booked into the Washington County jail, at which time she notified medical personnel that she last used heroin at about 7 pm the evening before. Needle marks on Pitkin's arm were noted and she was ordered to undergo a Clinical Opiate Withdrawal Scale (COWS) evaluation, and was assigned to a general population pod. Except as expressly admitted therein Defendants deny those allegations contained in paragraph 18 of Plaintiffs' Complaint.

15.

Defendants admit that on April 18, 2014, Duru performed a COWS evaluation and ordered certain medications, consisting of a Hydroxyzine, Acetaminophen and Promethazine, which order was approved by Storz. Except as expressly admitted therein Defendants deny those allegations contained in paragraph 19 of Plaintiffs' Complaint.

16.

Defendants admit that Washington County initiated an investigation into the death of Madaline Pitkin and that various Defendants and other personnel spoke to investigators. The substance and contents of those investigations speak for themselves, and therefore Defendants neither admit nor deny those allegations in Plaintiffs' Complaint that assert what investigators learned or may have been told.

17.

Washington County has at its jail various video surveillance cameras in place to observe inmate population. Plaintiffs' Complaint makes numerous references to what certain surveillance videos show or do not show. The contents of the video are self-evident and need no

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interpretation, and therefore, Defendants neither admit nor deny those allegations asserting what the videos show or do not show throughout the allegations in their Complaint.

18.

Defendants admit that Madaline Pitkin completed a Health Care Request form on April 19, 2014, which form is self-explanatory. Except as expressly admitted therein Defendants deny those allegations contained in paragraph 21 of Plaintiffs' Complaint.

19.

Defendants admit that Pitkin submitted a Health Care Request form on April 20, 2014, which form is self-explanatory. Video reference at paragraph 22 in Plaintiffs' Complaint speaks for itself. Except as expressly admitted therein Defendants deny those allegations contained in paragraph 22 of Plaintiffs' Complaint.

20.

Defendants admit that video surveillance exists, but deny the characterization of such video as alleged in paragraph 23 of Plaintiffs' Complaint. Defendants also admit that Nyman performed the COWS evaluation, which evaluation is dated 4/20/14. Except as expressly admitted therein Defendants deny those allegations contained in paragraph 23 of Plaintiffs' Complaint.

21.

Defendants admit that on April 21, 2014, Pitkin submitted a Health Care Request form, which form is self-explanatory. Except as expressly admitted therein Defendants deny those allegations contained in paragraph 24 of Plaintiffs' Complaint.

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22.

Defendants admit that video on April 22, 2014 exists, which video is self-explanatory and is neither admitted nor denied herein. Except as expressly admitted therein Defendants deny those allegations contained in paragraph 25 of Plaintiffs' Complaint.

23.

Defendants admit that on April 23, 2014, Pitkin completed a Health Care Request form, the contents of which are self-explanatory. Defendants further admit that Pitkin was observed, that her vital signs were taken, that Dr. McCarthy saw Pitkin and authorized her admission to the medical observation unit. Her medications were checked and a pitcher of Gatorade was provided to Pitkin. Except as expressly admitted therein Defendants deny those allegations contained in paragraph 26 of Plaintiffs' Complaint.

24.

Defendants admit that Deputy Thompson sent Corizon medical personnel on April 24, 2014 to check Pitkin. They found Pitkin lying on the floor of her cell, and after resuscitation efforts were invoked, they were unable to revive her. Except as expressly admitted therein Defendants deny those allegations contained in paragraph 27 of Plaintiffs' Complaint.

25.

Defendants admit those allegations contained in paragraph 28 of Plaintiffs' Complaint.

26.

With respect to those allegations set forth at paragraph 29 of Plaintiffs' Complaint, Defendants incorporate their responses to paragraphs 1-28 of Plaintiffs' Complaint as fully set forth herein.

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27.

Plaintiffs have specifically agreed that Defendant Corizon Health, Inc. is not a proper party to their First Claim for Relief, and as such, Corizon specifically denies each and every allegation in paragraphs 30 through 35 in Plaintiffs' Complaint. Further, Defendants McCarthy, Storz, O'Neil Buchanan, Duru, Johnson, and Nyman deny paragraphs 30 through 35 in Plaintiffs' Complaint.

28.

With respect to those allegations set forth at paragraph 36 in Plaintiffs' Complaint, Defendants incorporate their previous submissions and denials as set forth herein for paragraphs 1 through 35.

29.

Defendants Corizon and Washington County deny those allegations set forth at paragraph 37 through 41 of Plaintiffs' Complaint.

30.

Defendants Corizon and Washington County admit that they contracted with each other for the provision of health care for inmates of Washington County Jail, but deny the remainder of those allegations set forth at paragraph 42 of Plaintiffs' Complaint.

31.

Defendants Corizon and Washington County deny those allegations set forth at paragraph 43 through 45 of Plaintiffs' Complaint.

32.

With respect to those allegations set forth at paragraph 46 in Plaintiffs' Complaint, Defendants incorporate their previous submissions and denials as set forth herein.

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33.

Defendants deny those allegations set forth at paragraphs 47 through 51 of Plaintiffs' Complaint.

34.

Defendants deny those allegations set forth at paragraphs 52 through 59 of Plaintiffs' Complaint.

35.

With respect to those allegations set forth at paragraph 60 in Plaintiffs' Complaint, Defendants incorporate their previous submissions and denials as set forth herein.

36.

Defendants deny those allegations set forth at paragraph 61 through 63 of Plaintiff's Complaint.

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WHEREFORE, having fully ANSWERED Plaintiffs' Complaint, Defendants Corizon Health, Inc., Washington County, Joseph McCarthy, M.D., Colin Storz, Leslie O'Neil, CJ Buchanan, Louisa Duru, Molly Johnson, Courtney Nyman and Pat Garrett pray for a complete dismissal of those allegations and claims set forth in Plaintiffs' Complaint, along with their reasonable costs and expenses herein.

Dated this 17 day of Janurary, 2017.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

By: /s/ Richard K. Hansen
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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of January, 2017, I caused to be served the foregoing ANSWER on the following parties:

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by:

- ☐ U.S. Postal Service, ordinary first class mail
- ☐ U.S. Postal Service, certified or registered mail, return receipt requested
- ☐ hand delivery
- ☐ facsimile
- ☒ CM/ECF electronic service
- ☐ other (specify) ______________________________

/s/Richard K. Hansen
Richard K. Hansen